

SOUTH BRISTOL TOWN BOARD MEETING

April 13, 2020

REGULAR MEETING

The Public Hearing and the Regular meeting of the South Bristol Town Board was called to order April 13, 2020 at 7:12pm online through WebX.

PRESENT

Daniel Marshall, Supervisor
Donna Goodwin, Councilwoman
Stephen Cowley, Councilman
Jim Strickland, Councilman
Scott Wohlschlegel, Councilman

RECORDING SECRETARY

Judy Voss, Town Clerk

OTHERS

Jim Wight, Brian Perkins, Brooks Lyon, Corinne Ulrich, Diane Graham, Alan & Kristie Braun

I. ROLL CALL

Supr. Marshall opened the meeting with roll call.

PUBLIC HEARING:

TOWN OF SOUTH BRISTOL
NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE, that a public hearing will be held by the Town Board of the Town of South Bristol on the 13th day of April, 2020, at 7:00 p.m., at the South Bristol Town Hall, 6500 Gannett Hill Road - West, South Bristol, New York, regarding the adoption of a Local Law, which would make the exemptions under subsection 8(a) of §487 of the New York State Real Property Tax Law with respect to any farm waste energy system, micro-hydroelectric energy system, fuel cell electric generating system, micro-combined heat and power generating equipment system, electric energy storage equipment and electric energy storage system, or fuel-flexible linear generator electric generating system constructed subsequent to the effective date of this local law inapplicable within the Town of South Bristol to town taxes.

Any resident of the Town of South Bristol shall be entitled to be heard upon said proposed Local Law at such public hearing. Copies of said proposed Local Law are available for review at the Town of South Bristol Town Hall, 6500 Gannett Hill Road - West, South Bristol, New York 14532.

This by Resolution of the Town Board of the Town of South Bristol.

Judy Voss, Town Clerk

Supr. Marshall opened the Public Hearing explaining that the commercial/industrial size energy storage systems would not be able to receive any property tax exemptions. Clerk Voss read from the Public Notice.

Meeting closes at 7:14 pm.

II. PLEDGE OF ALLEGIANCE

III. APPROVAL OF MINUTES

On a motion made by Councilman Wohlschlegel and seconded by Councilman Strickland the minutes of the minutes February 1, 2020 Special Meeting, February 3, 2020 Special Meeting, February 10, 2020 Public Hearing, February 10, 2020 Regular Town Board Meeting, March 9, 2020 Regular Town Board Meeting, and March 16, 2020 Special Town Board Meeting were ACCEPTED. Voting AYE: 5. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Wohlschlegel, Cowley and Strickland.

IV. PRIVILEGE OF THE FLOOR

**V. COMMITTEE REPORTS:
HIGHWAY**

Councilman Cowley read a summary he received from Supt. Wight.

The highway report for this last month is as follows: Currently operating the Dept. at 50 % staff due to Covid 19 guidelines. We are busy painting plows / wings and getting equipment ready for the summer construction season. We are also busy with cleaning out the building that we are still hopefully going to demolish to make way for the new structure. We have erected the “hoop barn” on the south side of the salt barn. Now we need to build end walls and put the canvas cover on it. And, as always, this time of year, we are patching potholes and cleaning up tree branches roadside. We have also been out plowing at the end of March and the first week in April.

Councilman Wohlschlegel asked if we are moving ahead with the Barn, have they started dismantling yet??

Supt. Wight said he is waiting to hear whether the Barn project will happen because of everything going on.

Supr. Marshall said there are a couple of things to take into consideration; 1. Asbestos Abatement that needs to be done. No demolition work can be done until that is taken care of. We are receiving bids for that and it needs to be done. The second item is, before we start tearing down buildings, we have to decide if we are going forward with this project given the current situation we are facing.

FINANCE REPORT – PERMISSIVE REFERENDUM/ESTOPPEL PERIOD

Supr. Marshall noted that as of April 15th, the Permissive Referendum period will expire and at that point a 20-day Estoppel period before any type of bonding can be done or accept a bid or signal to start proceeding.

Supr. Marshall said we have 20 days to decide if the project is going forward. The asbestos is a small amount of flooring, nothing major. One of the things that is deeply concerning is the sales tax revenue dropping by 20%; and on the other hand, we will not get a better price for interest rates on bonding, or contract pricing, which all needs more discussion. Supr. Marshall noted that he did discuss this with the Bob Fox of EFPR who agreed that the project should move forward but was nervous about the sales tax revenue; Mary Gates, the Director of Finance for Ontario County, said that we should proceed with the idea that we have to keep moving forward anyways. The bottom line is we really wouldn't have any affect on our tax rate until 2021. We do have reserve monies to help defray the some of the costs initially if

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we need to. We also have another reserve fund available for paying interest on the bond anticipation note.

Supt. Wight said that in an effort to see this project go forward, the Highway Department can make some concessions in equipment this year. We have the Loader to pay for, and shut down the spending line, \$126,000.00 and can do the roadwork next year.

Supr. Marshall said that would be helpful and might only defray the costs of what we might lose in revenue for our sales tax. The next sales tax check the Town receives will not be affected by the shut-down; the first quarter of 2020, January, February and March. After this month, we really do not know where we may be headed.

Councilwoman Goodwin asked when the 2nd quarter sales tax check is received?

Supr. Marshall said that those funds are received in September; it is the summer months that are going to hurt.

Supr. Marshall said he is not ready to put the Highway Barn on hold and will be doing more research; talking to more people that have more insight and expertise. We can't dismiss the fact that the Town needs the building; the price is as good as it is going to get and the interest rates will be good. We will probably be having a Special meeting in the next week or so for this decision.

VI. OLD BUSINESS:

LOCAL LAW- OPTING OUT OF EXEMPTIONS FOR ELECTRICAL STORAGE FACILITIES

On a motion made by Councilman Cowley and seconded by Councilwoman Goodwin Resolution No. 34-2020 was ACCEPTED. Voting AYE: 5. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Wohlschlegel, Cowley and Strickland.

RESOLUTION 34-2020

AUTHORIZING ADOPTION BY THE TOWN BOARD OF THE TOWN OF SOUTH BRISTOL OF A LOCAL LAW TO AMEND CHAPTER 153 (TAXATION) OF THE CODE OF THE TOWN OF SOUTH BRISTOL

WHEREAS, a resolution was duly adopted by the Town Board of the Town of South Bristol for a public hearing to be held by said Town Board on April 13, 2020, at 7:12 p.m. at the South Bristol Town Hall, 6500 Gannett Hill Road - West, South Bristol, New York, to hear all interested parties on a proposed Local Law Amending Chapter 153 (Taxation) of the Code of the Town of South Bristol; and

WHEREAS, notice of said public hearing was duly advertised in the official newspaper of the Town of South Bristol, on April 8, 2020 and all other notices required by law to be given were properly served, posted or given; and

WHEREAS, said public hearing was duly held on April 13, 2020, at 7:00 p.m. at the South Bristol Town Hall, 6500 Gannett Hill Road - West, South Bristol, New York, and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said Proposed Local Law, or any part thereof; and

WHEREAS, the Town Board of the Town of South Bristol, after due deliberation, finds it in the best interest of the Town of South Bristol to adopt said Local Law.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of South Bristol hereby adopts said Local Law No. 3 of 2020, entitled, "A Local Law To Amend Chapter 153

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(Taxation) of the Code of the Town of South Bristol”, a copy of which is attached hereto and made a part hereof, and be it further

RESOLVED, that the Town Clerk be and she hereby is directed to enter said Local Law in the minutes of this meeting and in the Local Law Book of the Town of South Bristol and to give due notice of the adoption of said local law to the Secretary of State of New York, to the commissioner of taxation and finance and to the president of the New York state energy research and development authority.

I, Judy Voss, Town Clerk of the Town of South Bristol do hereby certify that the aforementioned resolution was adopted by the Town Board of the Town of South Bristol on April 13, 2020, by the following vote:

	<u>Aye</u>	<u>Nay</u>
Daniel Q. Marshall	x _____	_____
Scott Wohlschlegel	x _____	_____
Donna Goodwin	x _____	_____
Stephen Cowley	x _____	_____
James Strickland	_____	_____

Dated: _____, 2020

Judy Voss, Town Clerk

SEAL

LOCAL LAW FILING

New York State Department of State
Division of Corporations, State Records
and Uniform Commercial Code
One Commerce Plaza, 99 Washington Avenue
Albany, NY 12231-0001

(Use this form to file a local law with the Secretary of State)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County

City

Town of South Bristol

Village

Local Law No. 3 of the year **2020**

A Local Law Amending Chapter 153 (Taxation) of the Code of the Town of South Bristol to Opt Out of Exemptions Afforded by RPTL 487

(Insert Title)

Be it enacted by the **Town Board** (Name of Legislative Body)

County

City

Town of South Bristol

as follows:

Village

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SECTION 1. The title of Article IV of Chapter 153 (Taxation) of the Code of the Town of South Bristol is hereby amended to read as follows:

“Nonapplicability of Exemptions from Taxation for Certain Energy Systems”

SECTION 2: Section 153-11 of Article IV of Chapter 153 (Taxation) of the Code of the Town of South Bristol is hereby repealed and a new section 153-11 is hereby inserted in its place to read as follows:

This article is enacted pursuant to § 487 of the New York State Real Property Tax Law, as most recently amended by Chapter 325 of the laws of 2018.

SECTION 2. Section 153-12 of Article IV of Chapter 153 (Taxation) of the Code of the Town of South Bristol is hereby repealed and a new section 153-12 is hereby inserted in its place to read as follows:

Pursuant to subsection 8(a) of § 487 of the New York State Real Property Tax Law, the Town of South Bristol, by this article, provides that no exemption under §487 of the New York State Real Property Tax Law shall be applicable within its jurisdiction to town taxes with respect to any solar or wind energy system, farm waste energy system, micro-hydroelectric energy system, fuel cell electric generating system, micro-combined heat and power generating equipment system, electric energy storage equipment and electric energy storage system, or fuel-flexible linear generator electric generating system constructed subsequent to the effective date of local law amending this section.

SECTION 3. This local law shall take effect immediately upon filing with the Secretary of State.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.),

I hereby certify that the local law annexed hereto, designated as local law No. 2 of 2020 of the Town of South Bristol was duly passed by the South Bristol Town Board on March 9, 2020 in accordance with the applicable provisions of law.

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer¹.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20__ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____, 20__, and was (approved)(not approved)(repassed after disapproval) by the _____ and was deemed duly adopted on _____, 20__ in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20__ of the (County)(City)(Town)(Village) of _____ was duly passed by the on 20__, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____, 20__. Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of

¹ Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county- wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

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a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____, 20__, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20__ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____, 20__, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____, 20__. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____, 20__, in accordance with the applicable provisions of law.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 2005 of the City of _____ of having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____, 20__, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20__ of the County of _____, State of New York, having been submitted to the electors at the General Election of November __, 20__, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1, above.

Clerk of the Town
(Seal)

Date: _____

TOWN RE-VAL

Supr. Marshall noted that the Assessor sent an email with respect to the ongoing re-val of the Town and asked if the Board had any questions. The email from the Assessor made a very strong case as to why we want to keep the re-val moving forward at this point.

Councilwoman Goodwin agreed, the email was specific, very detailed.

Councilman Wohlschlegel agreed, didn't see a problem moving forward.

Councilman Cowley agreed, let's move forward with it.

VII. NEW BUSINESS

VIII. REPORTS:

ASSESSOR

No Report.

CEO

No report.

TOWN CLERK/TAX COLLECTION

No report.

**IX. ACCOUNTING:
SUPERVISOR'S REPORT**

On a motion made by Councilman Strickland and seconded by Councilwoman Goodwin, the Supervisor's Reports for January 2020 and February 2020 were ACCEPTED. . Voting AYE: 5. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Wohlschlegel, Cowley and Strickland.

APPROVAL OF VOUCHERS

On a motion made by Councilman Cowley and seconded by Councilman Strickland, Abstract No. 4, totaling \$75,188.59 was ACCEPTED. Voting AYE: 5. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Wohlschlegel, Cowley and Strickland.

SHORT-TERM RENTAL APPLICATION

Clerk Voss asked Supr. Marshall about the approval of the application of the Short-term Rentals.

Supr. Marshall asked if the Board had received the application and noted that the Town Attorney approved the application.

On a motion made by Councilman Wohlschlegel and seconded by Councilwoman Goodwin, the Short-Term Rental Application was ACCEPTED. . Voting AYE: 5. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Wohlschlegel, Cowley and Strickland.

XI. ADJOURN: 7:50PM

Respectfully submitted:

Judy Voss
South Bristol Town Clerk